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Perplexity Solved Solutions, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PERPLEXITY SOLVED SOLUTIONS INC.,

Plaintiff,

v.

PERPLEXITY AI, INC.,

Defendant.

CASE NO. 3:25-CV-00989-JSC

**PERPLEXITY SOLVED SOLUTIONS
INC.'S ANSWER TO
COUNTERCLAIMS**

Judge: Hon. Jacqueline S. Corley

PERPLEXITY AI, INC.,

Counterclaim-Plaintiff,

v.

PERPLEXITY SOLVED SOLUTIONS INC.,

Counterclaim-Defendant.

1 Plaintiff and Counterclaim-Defendant Perplexity Solved Solutions, Inc. (“PSSI”) hereby
 2 files its Answer to Defendant and Counterclaim-Plaintiff Perplexity AI, Inc.’s (“PAI”)
 3 Counterclaims (Dkt. No. 23). PSSI denies the allegations in PAI’s Counterclaims except as
 4 expressly admitted herein.

5 1. PSSI admits that it has asserted claims against PAI based upon, *inter alia*, PSSI’s
 6 rights in U.S. Registration No. 6,906,290 (the “’290 Registration”) for the so-called “Leaf Logo”
 7 shown in Paragraph 1.

8 2. PSSI denies the allegations in Paragraph 2.

9 3. PSSI denies the allegations in Paragraph 3.

10 4. PSSI admits that it has used and continues to use the mark shown in Paragraph 4.
 11 Except as expressly admitted herein, PSSI denies the allegations in Paragraph 4.

12 5. PSSI admits that it continues to assert claims against PAI based upon, *inter alia*, the
 13 ’290 Registration and its trademark rights in the so-called “Leaf Logo.” Except as expressly
 14 admitted herein, PSSI denies the allegations in Paragraph 5.

15 6. PSSI denies the allegations in Paragraph 6.

16 **PARTIES**

17 7. PSSI admits the allegations in Paragraph 7.

18 8. PSSI lacks knowledge or information sufficient to form a belief as to the truth or
 19 falsity of the allegations in Paragraph 8 and therefore denies same

20 **JURISDICTION AND VENUE**

21 9. Paragraph 9 contains legal conclusions to which no response is required. To the
 22 extent any response is required, PSSI admits that this Court has subject matter jurisdiction over
 23 PAI’s Counterclaims.

24 10. Paragraph 10 contains legal conclusions to which no response is required. To the
 25 extent any response is required, PSSI admits that this Court has personal jurisdiction over PSSI with
 26 regard to PAI’s Counterclaims. Except as expressly admitted herein, PSSI denies the allegations in
 27 Paragraph 10.

1 11. Paragraph 11 contains legal conclusions to which no response is required. To the
2 extent any response is required, PSSI admits that venue is proper in this District with regard to PAI's
3 Counterclaims. Except as expressly admitted herein, PSSI denies the allegations in Paragraph 11.

4 **FACTUAL ALLEGATIONS**

5 12. PSSI admits that, on October 25, 2021, PSSI filed U.S. Application Serial No.
6 97/090,717 (the "'717 Application") for the so-called "Leaf Logo" for "Software as a service
7 (SAAS) services featuring software for data analytics and IU Testing" in Class 42. PSSI further
8 states that the '717 Application speaks for itself, and refers to the United States Patent and
9 Trademark Office's ("USPTO") publicly-available online records for a full and accurate statement
10 of the contents of the '717 Application, and denies any allegations in Paragraph 12 inconsistent
11 therewith.

12 13. PSSI admits that the '717 Application was filed based on "SECTION 1(a)" and lists
13 a first use in commerce date "[a]t least as early as 03/01/2021." PSSI further states that the '717
14 Application speaks for itself, and refers to the USPTO's publicly-available online records for a full
15 and accurate statement of the contents of the '717 Application, and denies any allegations in
16 Paragraph 13 inconsistent therewith.

17 14. PSSI admits that the '717 Application was filed based on "SECTION 1(a)" and that
18 PSSI submitted a specimen in connection with the '717 Application. PSSI further states that the
19 '717 Application speaks for itself, and refers to the USPTO's publicly-available online records for
20 a full and accurate statement of the contents of the '717 Application, and denies any allegations in
21 Paragraph 14 inconsistent therewith.

22 15. PSSI admits that the '717 Application included a "Declaration," which was signed
23 by PSSI's "Principal," namely, "Dawn Gallman," and contains, *inter alia*, the language quoted in
24 Paragraph 15. PSSI further states that the '717 Application speaks for itself, and refers to the
25 USPTO's publicly-available online records for a full and accurate statement of the contents of the
26 '717 Application, and denies any allegations in Paragraph 15 inconsistent therewith.

27 16. PSSI admits that the '717 Application included a "Declaration," which was signed
28 by PSSI's "Principal," namely, "Dawn Gallman," and contains, *inter alia*, the language quoted in

1 Paragraph 16. PSSI further states that the '717 Application speaks for itself, and refers to the
2 USPTO's publicly-available online records for a full and accurate statement of the contents of the
3 '717 Application, and denies any allegations in Paragraph 16 inconsistent therewith.

4 17. PSSI admits the allegations in Paragraph 17.

5 18. PSSI admits that the USPTO issued a registration certificate for the '290
6 Registration, and lacks knowledge or information sufficient to form a belief as to the truth or falsity
7 of the remaining allegations in Paragraph 18 and therefore denies same. PSSI further states that the
8 '290 Registration speaks for itself, and refers to the USPTO's publicly-available online records for
9 a full and accurate statement of the contents and prosecution history of the '290 Registration, and
10 denies any allegations in Paragraph 18 inconsistent therewith.

11 19. PSSI denies the allegation in Paragraph 19 that PSSI made "false statements," and
12 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
13 allegations in Paragraph 19 and therefore denies same. PSSI further states that the '290 Registration
14 speaks for itself, and refers to the USPTO's publicly-available online records for a full and accurate
15 statement of the contents and prosecution history of the '290 Registration, and denies any allegations
16 in Paragraph 19 inconsistent therewith.

17 20. PSSI admits that the '717 Application contains the language quoted in Paragraph 20.
18 PSSI further states that the '717 Application speaks for itself, and refers to the USPTO's publicly-
19 available online records for a full and accurate statement of the contents of the '717 Application,
20 and denies any allegations in Paragraph 20 inconsistent therewith.

21 21. PSSI admits that it submitted a specimen in connection with the '717 Application.
22 PSSI further states that the referenced specimen speaks for itself, and refers to the USPTO's
23 publicly-available online records for a full and accurate statement of the contents of the specimen,
24 and denies any allegations in Paragraph 21 inconsistent therewith.

25 22. PSSI denies the allegations in Paragraph 22. PSSI further states that the referenced
26 specimen speaks for itself, and refers to the USPTO's publicly-available online records for a full
27 and accurate statement of the contents of the specimen, and denies any allegations in Paragraph 22
28 inconsistent therewith.

1 23. PSSI states that the specimen referenced in Paragraph 23 speaks for itself, and refers
2 to the USPTO's publicly-available online records for a full and accurate statement of the contents
3 of the specimen, and denies any allegations in Paragraph 23 inconsistent therewith.

4 24. PSSI denies the allegations in Paragraph 24.

5 25. PSSI denies the allegations in Paragraph 25.

6 26. PSSI denies the allegations in Paragraph 26.

7 27. PSSI denies the allegation in Paragraph 27 that PSSI had "fraudulent intent," and
8 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
9 allegations in Paragraph 27 and therefore denies same.

10 28. PSSI denies the allegations in Paragraph 28.

11 29. PSSI denies the allegation in Paragraph 29 that it made "fraudulent statements," and
12 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
13 allegations in Paragraph 29 and therefore denies same.

14 30. PSSI denies the allegations in Paragraph 30.

15 31. PSSI admits that, in or around January 2024, the website *perplexityonline.com*
16 displayed certain social media icons, as shown in the screenshot in Paragraph 31.

17 32. PSSI denies the allegation in Paragraph 32 that the referenced "icons were not
18 functional," and lacks knowledge or information sufficient to form a belief as to the truth or falsity
19 of the allegations in Paragraph 32 and therefore denies same.

20 33. PSSI denies the allegations in Paragraph 33.

21 34. PSSI admits that, in or around January 2024, the website *perplexityonline.com* had a
22 "Quick Links" section at the bottom of its website, as shown in the screenshot in Paragraph 34.
23 PSSI denies the allegation in Paragraph 34 that "none of these links led to unique sub-pages," and
24 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
25 allegations in Paragraph 34 and therefore denies same.

26 35. Paragraph 35 contains legal conclusions to which no response is required. To the
27 extent any response is required, PSSI denies the allegations in Paragraph 35.

28

1 36. PSSI admits that, in or around January 2024, the website *perplexityonline.com*
2 displayed the so-called “Leaf Logo,” as shown in the screenshots in Paragraph 36. Except as
3 expressly admitted, PSSI denies the allegations in Paragraph 36.

4 37. PSSI denies the allegations in Paragraph 37.

5 38. PSSI admits that it has used and continues to use the mark shown in Paragraph 4
6 above. Except as expressly admitted herein, PSSI denies the allegations in Paragraph 38.

7 39. PSSI denies the allegations in Paragraph 39.

8 40. PSSI denies the allegations in Paragraph 40. PSSI further states that the website
9 *perplexityonline.com* speaks and PSSI’s social media accounts speak for themselves, and refers to
10 such website and social media accounts for a full and accurate statement of their contents, and denies
11 any allegations in Paragraph 40 inconsistent therewith.

12 41. PSSI denies the allegations in Paragraph 41. PSSI further states that the website
13 *perplexityonline.com* speaks for itself, and refers to such website for a full and accurate statement
14 of its contents, and denies any allegations in Paragraph 41 inconsistent therewith.

15 42. PSSI admits that, in or around January 2025, the website *perplexity180.com*
16 displayed a “parked” page. Except as expressly admitted herein, PSSI denies the allegations in
17 Paragraph 42.

18 43. PSSI admits that the website *perplexity180.com* currently displays a page that
19 contains a graphic similar to the one shown in Paragraph 43. Except as expressly admitted, PSSI
20 denies the allegations in Paragraph 43. PSSI further states that the website *perplexity180.com*
21 speaks for itself, and refers to such website for a full and accurate statement of its contents, and
22 denies any allegations in Paragraph 43 inconsistent therewith.

23 44. PSSI denies the allegations in Paragraph 44. PSSI further states that its social media
24 accounts speak for themselves, and refers to such social media accounts for a full and accurate
25 statement of their contents, and denies any allegations in Paragraph 44 inconsistent therewith.

26 45. PSSI admits that it created the @PerplexityHQ account on X in March 2024 and, as
27 of the date of this filing, has posted once from such account (on December 9, 2024). Except as
28 expressly admitted, PSSI denies the allegations in Paragraph 45. PSSI further states that the

1 referenced X account speaks for itself, and refers to such account for a full and accurate statement
2 of its contents, and denies any allegations in Paragraph 45 inconsistent therewith.

3 46. PSSI admits that it created the @Perplexity-HQ account on YouTube in June 2024
4 and, as of the date of this filing, has posted two videos from such account (in or around June 2024
5 and January 2025). PSSI further states that the referenced YouTube count speaks for itself, and
6 refers to such account for a full and accurate statement of its contents, and denies any allegations in
7 Paragraph 46 inconsistent therewith.

8 47. PSSI admits that it previously operated a Facebook account located at
9 *facebook.com/perplexitymeet1*, and lacks knowledge or information sufficient to form a belief as to
10 the truth or falsity of the remaining allegations in Paragraph 47 and therefore denies same.

11 48. PSSI admits that the website *perplexityonline.com* currently displays the headshot
12 images shown in Paragraph 48. Except as expressly admitted, PSSI denies the allegations in
13 Paragraph 48.

14 49. PSSI admits that the individuals depicted therein do not work for, or engage in
15 business with, PSSI. Except as expressly admitted, PSSI lacks knowledge or information sufficient
16 to form a belief as to the truth or falsity of the remaining allegations in Paragraph 49 and therefore
17 denies same.

18 50. PSSI denies the allegations in Paragraph 50.

19 51. PSSI denies the allegations in Paragraph 51.

20 **FIRST CLAIM FOR RELIEF**

21 52. PSSI repeats and re-alleges the responses set forth above as if fully set forth herein.

22 53. PSSI admits that it owns the '290 Registration. PSSI further states that the '290
23 Registration speaks for itself, and refers to the USPTO's publicly-available online records for a full
24 and accurate statement of the contents of the '290 Registration, and denies any allegations in
25 Paragraph 53 inconsistent therewith.

26 54. PSSI admits that it filed the '717 Application which matured into the '290
27 Registration. PSSI further states that the '717 Application and '290 Registration speak for
28 themselves, and refers to the USPTO's publicly-available online records for a full and accurate

1 statement of the contents and prosecution history of the '717 Application and '290 Registration, and
2 denies any allegations in Paragraph 54 inconsistent therewith.

3 55. PSSI admits that the '717 Application was filed on October 25, 2021 with a first use
4 in commerce date "[a]t least as early as 03/01/2021." PSSI further states that the '717 Application
5 speaks for itself, and refers to the USPTO's publicly-available online records for a full and accurate
6 statement of the contents of the '717 Application, and denies any allegations in Paragraph 55
7 inconsistent therewith.

8 56. PSSI admits that it submitted a specimen in connection with the '717 Application.
9 PSSI further states that the referenced specimen and the '717 Application speak for themselves, and
10 refers to the USPTO's publicly-available online records for a full and accurate statement of the
11 contents of the specimen and '717 Application, and denies any allegations in Paragraph 56
12 inconsistent therewith.

13 57. PSSI denies the allegations in Paragraph 57.

14 58. PSSI denies the allegations in Paragraph 58.

15 59. PSSI denies the allegations in Paragraph 59.

16 60. Paragraph 60 contains legal conclusions to which no response is required. To the
17 extent any response is required, PSSI denies the allegation in Paragraph 60 that it made "false
18 statements," and lacks knowledge or information sufficient to form a belief as to the truth or falsity
19 of the remaining allegations in Paragraph 60 and therefore denies same.

20 61. Paragraph 61 contains legal conclusions to which no response is required. To the
21 extent any response is required, PSSI denies the allegation in Paragraph 61 that it made "material
22 misrepresentations," and lacks knowledge or information sufficient to form a belief as to the truth
23 or falsity of the remaining allegations in Paragraph 61 and therefore denies same.

24 62. PSSI denies the allegations in Paragraph 62.

25 63. PSSI denies the allegations in Paragraph 63

26 64. Paragraph 64 contains legal conclusions to which no response is required. To the
27 extent any response is required, PSSI admits the allegations in Paragraph 64.

28 65. PSSI denies the allegations in Paragraph 65.

66. PSSI denies the allegations in Paragraph 66.

SECOND CLAIM FOR RELIEF

67. PSSI repeats and realleges the responses set forth above as if fully set forth herein.

68. PSSI admits the allegations in Paragraph 68.

69. PSSI denies the allegations in Paragraph 69.

70. PSSI denies the allegations in Paragraph 70.

71. PSSI denies the allegations in Paragraph 71.

72. PSSI denies the allegations in Paragraph 72.

73. Paragraph 73 contains legal conclusions to which no response is required. To the extent any response is required, PSSI admits the allegations in Paragraph 73.

74. PSSI denies the allegations in Paragraph 74.

75. PSSI denies the allegations in Paragraph 75.

PSSI'S AFFIRMATIVE AND OTHER DEFENSES

In further response to the Counterclaims, PSSI asserts the following affirmative and other defenses against the claims and allegations asserted against it in the Counterclaims, without waiving or excusing the burden of proof of PAI on each or any of these matters, and without admitting that PSSI bears the burden of persuasion or presentation of evidence on each or any of these matters. PSSI reserves the right to amend its Answer to the Counterclaims and rely upon additional defenses.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

PAI's Counterclaims fail to state any claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Unclean Hands)

PAI's Counterclaims are barred, in whole or in part, by reason of PAI's unclean hands.

THIRD AFFIRMATIVE DEFENSE

(Waiver)

PAI has waived its Counterclaims.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

PAI is estopped from asserting its Counterclaims.

FIFTH AFFIRMATIVE DEFENSE

(Reservation of Additional Defenses)

PSSI presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, unstated, affirmative defenses available as to any or all of the causes of action in the Counterclaims. PSSI reserves the right to assert additional defenses

PSSI'S PRAYER FOR RELIEF

WHEREFORE, PSSI respectfully requests that this Court enter judgment as follows:

1. In favor of PSSI and against PAI on all of PSSI's claims set forth in the Complaint;
2. In favor of PSSI and against PAI on all of PAI's claims set forth in the Counterclaims;
3. Awarding PSSI its reasonable attorneys' fees and costs; and
4. Awarding PSSI such other and further relief as the Court may deem just and proper.

Respectfully submitted,

DATED: May 1, 2025

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Marissa B. Lewis

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